Remarks

Claims 1-12 are pending in the present application. Reconsideration and allowance are requested in view of the above amendments and the remarks below.

The specification has been amended to address the objections raised by the Examiner in the Office Action.

Claims 2, 3, and 6 have been amended to address the objections raised by the Examiner in the Office Action.

Claims 1-11 are rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter.

Applicants respectfully submit that the rejection of claims 1-11 under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter is defective and request reversal thereof for at least the following reasons.

Applicants submit that the claimed invention does indeed provide a useful "real world" and tangible result. For example, the claimed invention ensures the availability of a service proposed by a service provider in a data transmission system, which is an important factor to any person (such as the Examiner) accessing data over a network (e.g., over the Internet). The claimed invention also provides a useful "real world" and tangible result by sending a reply back to a user workstation in response to a service request.

Claims 1-12 are rejected under 35 U.S.C. 103(a) over Choquier et al. (US 5,774,668), hereafter "Choquier," in view of Masters (US Patent No. 6,970,933).

This rejection is defective because the references, taken alone or in combination, fail to disclose each and every feature of the claims.

Independent Claim 1 sets forth a:

"Method for ensuring the availability of a service proposed by a service provider in a data transmission system including at least one user workstation connected to the Internet network, a plurality of content servers able to furnish services provided by service providers in response to service requests from said user workstation, and a proxy server interconnected between said Internet network and said content servers for receiving said service requests from said user workstation and transmitting each one to a content server able to provide the requested service;

said method including the following steps when said proxy server receives a service request,

- looking in a context table for an entry corresponding to a Uniform Resource Locator (URL) defined in said service request in order to determine the content server able to provide the requested service,

- appending a service availability request to said service request before sending said service request from said proxy server to said determined content server,

- appending a service availability token to the reply provided by said determined content server before sending said reply from said determined content server to said proxy server,

- removing said service availability token from said reply upon reception thereof by said proxy server,

- updating said context table in said proxy server before sending said reply to said user workstation by using information contained in said service availability token, and

sending said reply to said user workstation."

In the Office Action, the Examiner admits that Choquier "does not show that service availability request is appended to service request from client … does not show that service availability token is appended to reply from content server … as well as removing service availability token since it was not appended before."

To overcome the numerous glaring deficiencies of Choquier, the Examiner relies on the disclosure of Masters. In particular, the Examiner asserts that "Masters shows appending a cookie to a HTTP service request (col. 5, lines 24-27) and appending a SET COOKIE command in the header of the HTTP response from the content server (col. 5, lines 16-19)." The Examiner then alleges that it "would have been obvious … to modify the method of Choquier by inserting a parcel of data in the header of the HTTP request and response, such as a cookie, in order to save and communicate service availability request and token comprising state information between a client/proxy and a content server (col. 3, lines 33-35, lines 44-47; col. 4, lines 3-4)." Thus, the Examiner appears to be implying that the claimed "service availability token" is included with Masters' cookie, which is returned to the client.

Applicants respectfully disagree with the analysis and conclusion of the Examiner. Contrary to independent claim 1, Masters' cookie is clearly returned to the client (see, e.g., "HTTP RESPONSE WITH SET_COOKIE", FIGS. 1A, 1B, "client receives HTTP Response from identified server w/cookie", item 140, FIG. 2A, item 152, FIG. 2B, etc.). Thus, if the claimed "service availability token" was

included in Masters' cookie, which Applicants submit is not the case, the "service availability token" would be returned to the client in the cookie, contrary to independent claim 1.

Accordingly, since Choquier and Masters, taken alone or in combination, fail to disclose each and every feature of the claims, Applicants submit that claims 1-12 are allowable.

If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

/ John A. Merecki /

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